

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: Virginia Mahone Wintermeyer, Debtor)
)

Case No. 21-31502-KLP
Chapter 13

MOTION BY TRUSTEE TO CONVERT CASE FROM CHAPTER 13 TO CHAPTER 7

COMES NOW Suzanne E. Wade, Chapter 13 Trustee, and pursuant to 11 U.S.C. § 1307 (c), moves this Court to convert the above-captioned Chapter 13 case to a case under Chapter 7 of the Bankruptcy Code, and in support thereof, states as follows:

1. The Debtor filed this Chapter 13 Petition, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division, on May 6, 2021 under 11 U.S.C. Chapter 13.
2. Suzanne E. Wade has been appointed as the Chapter 13 Trustee in this case, and the § 341 Meeting of Creditors has been conducted and concluded.
3. The Debtor has proposed a Chapter 13 Plans in this case which has been confirmed.
4. The Debtor's first Plan was filed May 20, 2021, and confirmed by Order entered July 15, 2021. The first Plan provided for a total funding of \$11,750.00, and payment of a 2% dividend to unsecured creditors.
5. The Debtor's Schedule A/B list her interest in a Trust with an unknown value. The Debtor testified at the 341 Meeting of Creditors that she is the Trustee, along with her sister, and that they have no ownership interest in the trust assets, and do not stand to benefit from the Trust until their mother's death.
6. We received communication indicating that the assets of the Trust contain multiple parcels of real estate, among other household items of value, and that the Debtor is involved in a lawsuit in Georgia regarding the Trust, which would potentially provide her with a significant payout, if she was successful. This lawsuit is not mentioned in the Debtor's statements and schedules.
7. In addition, we have been advised that the Debtor had income of over \$300,000.00 from selling land in Georgia in 2019, which, if correct, should also be disclosed in her Statement of Financial Affairs, and we would ask for an explanation of the use of these funds.
8. The Trustee has requested information, regarding the aforementioned Trust and sale of real estate from the Debtor's counsel with documentation to support the Debtor's claim that she does not hold any interest in the Trust or sale of the real estate that was sold.

Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 31868
7202 Glen Forest Dr., Suite 202
Richmond, Virginia 23226
(804) 775-0979

9. Upon information and belief, the Debtor has advised her Counsel that the Georgia property sold was part of the trust, and that funds from the sale went to her mother's account and that she would provide us with documentation to support her claim.
10. The Trustee has not received any documentation to support the Debtor's assertion that she has no ownership interest in the Trust and the proceeds of the sale of Georgia property were deposited in her mother's account. In addition, the Trustee would request the Debtor provide documentation detailing the value of the Trust.
11. The Trustee requests the Debtor provide documentation to show the final disposition of the lawsuit in Georgia regarding the Trust.
12. The Trustee would suggest that if the Debtor does hold any interest in the Trust or if she received any proceeds from the sale of property of the Trust, such interest would be an asset that could be administered by a Chapter 7 Trustee, and thus, that conversion to Chapter 7 would be in the best interest of the Debtors' creditors and the estate.
13. The Trustee moves the Court to defer payment of the cost to convert the case until the entry of an Order converting the case.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee respectfully moves the Court to convert this Chapter 13 case to a Chapter 7 case, to defer payment of the cost to convert the case until such time as the case is Ordered converted, and for such further and other relief as the Court deems necessary.

Date: September 17, 2021

/s/ Suzanne E. Wade

Suzanne E. Wade, Chapter 13 Trustee

CERTIFICATE OF SERVICE

I hereby certify a true copy of the foregoing MOTION BY TRUSTEE TO CONVERT CASE FROM CHAPTER 13 TO CHAPTER 7 was served electronically or by first-class mail, postage prepaid, this 17th day of September, 2021, upon the following parties:

Virginia Mahone Wintermeyer
1314 Forest Ave.
Henrico, VA 23229

James E. Kane, Counsel for Debtor
Kane & Papa, PC
1313 East Cary Street
P.O. Box 508
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Aldous and Associates, PLLC
Attn: Bankruptcy
Po Box 171374
Holladay, UT 84117-0000

Capital One
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Salt Lake City, UT 84130-0000

Carol A. N. Breit
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Richmond, VA 23230

Cba Tifton
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321 Main St S
Tifton, GA 31794-0000

Chaplin & Gonet
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Richmond, VA 23230-0000

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Las Vegas, NV 89193-0000

ECPI
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Glen Allen, VA 23060-0000
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First National Bank/Legacy
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Sioux Falls, SD 57117-0000

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Beaverton, OR 97076-0000

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Guarino Chiropractic PLC
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Justin Paget
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Navient
Attn: Claims Dept
Po Box 9500
Wilkes-Barre, PA 18773-0000

Navient Solutions, LLC. on behalf of
Department of Education Loan Services
PO BOX 9635
Wilkes-Barre, PA 18773-9635
NPRTO South-East, LLC
256 West Data Drive
Draper, Utah 84020

Old Towne Counseling Services
c/o Nguyen Ballato
2201 Libbie Ave
Richmond, VA 23230

Premier Bankcard, LLC
Jefferson Capital Systems LLC Assignee
Po Box 7999
Saint Cloud MN 56302-9617

Quantum3 Group LLC as agent for
Genesis FS Card Services Inc
PO Box 788
Kirkland, WA 98083-0788

Richmond Cardiology
c/o Caudle & Caudle
3123 West Broad St
Richmond, VA 23230-0000

Richmond VA Child Support
Attn: Bankruptcy
801 East Main Street
Richmond, VA 23219-0000

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Tuition Options
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Valley Credit Service, Inc
Attn: Bankruptcy
12907 Oak Hill Ave
Hagerstown, MD 21742-0000

Virginia Division of Child Support Enforcement
2001 Maywill Street Suite 200
Richmond, VA 23230
Virginia Physicians for Women
P.O. Box 6829
Richmond, VA 23230-0000

Virginia Physicians for Women
c/o D. Kent Gilliam PC
804 Moorefield Park Drive, Suite 200
Richmond, VA 23236

/s/ Suzanne E. Wade
Suzanne E. Wade, Chapter 13 Trustee

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)	Chapter 13
1314 Forest Ave.)	
Henrico, VA 23229)	
)	
XXX-XX -8508)	

NOTICE OF MOTION TO CONVERT

Suzanne E. Wade, Chapter 13 Trustee, has filed papers with the Court to convert this Chapter 13 case to a Chapter 7 case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one, in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views on the Motion, then on or before seven (7) days before the date of the hearing, you or your attorney must:

 X File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rule 9013-1(H)(3). If you mail your response to the Court for filing, you must mail it early enough that the Court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, Virginia 23219

You must also mail a copy to:

Suzanne E. Wade, Chapter 13 Trustee
7202 Glen Forest Drive, Suite 202
Richmond, Virginia 23226

 X Attend the hearing on the Motion, scheduled to be held **REMOTELY** on **October 20, 2021** at **9:30 a.m.**

REMOTE HEARING INFORMATION:

Suzanne E. Wade, Chapter 13 Trustee
Virginia State Bar Number 31868
7202 Glen Forest Dr., Suite 202
Richmond, Virginia 23226
(804) 775-0979

Due to the COVID-19 public health emergency, no in-person hearings are being held. This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at www.vaeb.courts.gov, on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.

PLEASE NOTE: You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion, and may enter an order granting that relief.

Date: September 17, 2020

/s/ Suzanne E. Wade

Suzanne E. Wade, Chapter 13 Trustee

CERTIFICATE OF SERVICE

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Po Box 30285
Salt Lake City, UT 84130-0000

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Justin Paget
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Navient
Attn: Claims Dept
Po Box 9500
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Department of Education Loan Services
PO BOX 9635
Wilkes-Barre, PA 18773-9635
NPRTO South-East, LLC
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Jefferson Capital Systems LLC Assignee
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Quantum3 Group LLC as agent for
Genesis FS Card Services Inc
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Richmond Cardiology
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/s/ Suzanne E. Wade
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